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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/034,537	12/27/2001	Peter R. Charpentier	9698	1431

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EXAMINER

SANDERS, ALLYSON N

ART UNIT PAPER NUMBER

2876

DATE MAILED: 01/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/034,537

Applicant(s)

CHARPENTIER, PETER R.

Examiner

Allyson N Sanders

Art Unit

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: .

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in-

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effect under this subsection of a national application published under section 122(b) only if the international application designating the United States was published under Article 21(2)(a) of such treaty in the English language; or
(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that a patent shall not be deemed filed in the United States for the purposes of this subsection based on the filing of an international application filed under the treaty defined in section 351(a).

2. Claims 1, 2, 6-8, 12, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by Walter et al (6,325,290).

Regarding claim 1, a kiosk comprising: a housing; processing circuitry/logic within the housing; a display supported by the housing and in communication with the processing circuitry/logic; and a scanner in communication with the processing circuitry/logic and detachable mounted to the housing is disclosed.

"The present invention relates generally to a retail checkout terminal, and more particularly to a method and apparatus for checking out large items with a self-service checkout terminal." (Col. 1, lines 6-9).

"What is particularly needed is a self-service checkout terminal which facilitates a customer's entry of large, bulky items. What is also needed is a self-service checkout terminal which provides a level of security for monitoring entry of such large, bulky items." (Col. 1 and 2, lines 67-4).

"In accordance with a first embodiment of the present invention, there is provided a method of operating a self-service checkout terminal. The self-service checkout terminal has a housing, a stationary scanner secured to the housing, and a hand-held scanner having a holder associated therewith." (Col. 2, lines 6-11).

"Referring now to FIG. 1, there is shown a self-service checkout terminal 10 for use in a retail business such as a grocery store. The self-service checkout terminal 10 includes a status light device 11, a product scale 12, a stationary scanner 14, a hand-held scanner 16, a card reader 30, a display monitor 32, a keypad 34, a printer 36, and a processing unit 26." (Col. 3, lines 39-45).

"The processing unit 26 communicates with the hand-held scanner 16 via a communication line 41." (Col. 6, lines 50-51).

Regarding claims 2 and 8, the kiosk of claims 1 and 7 respectively, further comprising a scanner housing supporting the scanner, and scanner housing being detachable mounted to the housing is disclosed.

Walter et al teaches the following in regards to claims 2 and 8:

Figure 1 shows the scanner holder (44) and the scanner (16), which is enclosed in a housing.

Regarding claims 6 and 12, the kiosk of claims 1 and 7 respectively, further comprising a display housing supporting the display, the display housing supported by the housing is disclosed.

See Walter et al's teachings regarding claims 1 and 2.

Regarding claim 7, a kiosk comprising: a housing; a processor disposed within the housing; a display supported by the housing and in communication with the processor, the kiosk operative in a first mode wherein the scanner is detached from the housing, and in a second mode wherein the scanner is fixed relative to the housing is disclosed.

See Walter et al's teachings regarding claims 1 and 2. Additionally, Walter et al teaches the following in regards to claim 7:

"The hand-held scanner is movable relative to the housing. The method includes the step of detecting when the hand-held scanner is removed from the holder and generating a removed-from-holder control signal in response thereto. The method also includes the step of disabling the stationary scanner in response to generation of the removed-from-holder control signal. The method further includes the step of generating a first item-entered control signal when a first product code associated with a first item for purchase is read by the hand-held scanner. Moreover, the method includes the step of marking the first item for purchase so as to indicate that the first product code was read by the hand-held scanner." (Abstract).

Regarding claim 13, a kiosk comprising: a first housing; a processing circuitry disposed within the first housing, a touch-screen display supported by the housing and in communication with the processing circuitry; a second housing detachable coupled to the first housing; and a scanner disposed in the second housing and in communication with the processing circuitry; and scanner operative in both an attached and a detached mode is disclosed.

See Walter et al's teachings regarding claims 1 and 2. Additionally, Walter et al teaches the following in regards to claim 7:

"The processing unit 26 communicates with the display monitor 32 through a data communication line 43. The processing unit 26 generates output signals on the data communication line 43 which cause various instructional messages to be displayed on the display monitor 32. The display monitor 32 may include known touch screen technology which can generate output signals when the customer touches a particular area of the display screen associated with the display monitor 32. The signals generated by the display monitor 32 are transmitted to the processing unit 26 via the data communication line 43." (Col. 6 and 7, lines 65-8).

Walter et al teaches two scanners in order to achieve the same goal as the present claimed invention. It is clear that one scanner could also be used to accomplish the same objective however. Walter et al teaches both using the movable scanner to scan items that are cumbersome and difficult, and a stationary scanner for smaller items. Therefore the scanners are operative in both an attached and a detached mode.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 3, 4, 9, 10, 14, and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al (6,325,290) in view of Bontly (6,412,698).

Walter et al's teachings are discussed above. Although Walter et al teaches a scanner that is removable from a housing, Walter et al fails to specifically teach the scanner being connected to the housing via a retractable tether.

Regarding claims 3, 4, 9, 10, 14, and 15, the kiosk of claims 1, 7, and 13 respectively, wherein the scanner housing is coupled to the housing via a retractable tether is disclosed.

Bontly teaches the following in regards to claims 3, 4, 9, 10, 14, and 15:

"The present invention is particularly adapted for use with a portable data reader such as handheld scanner 10 that is suspended above a ground surface 16 when not being used by an employee or operator. The scanner 10 may be suspended via an overhead retractor (not shown) that includes a retractable hanging tether 11. As referred to herein, a "tether" is a cable, rope, or chain that typically includes a key-ring style clip 13 at one of its ends for clipping onto the attachment point of a scanner and thereby suspend same. Instead of a key-ring style clip 13, the tether 11 may alternatively include a solid-ring style coupler for coupling with a scanner 10." (Col. 2 and 3, lines 61-5).

In view of Bontly's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to have the scanner be connected to the housing via a retractable tether. One would be motivated to use a retractable tether

in order to move the detachable scanner with ease and still have the scanner be freely attached to the housing.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 5, 11, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walter et al (6,325,290) in view of Pellaumail et al (6,409,086).

Walter et al's teachings are discussed above. Walter et al fails to teach locking the scanner to the housing of the kiosk.

Regarding claims 5, 11, and 16 the kiosk of claims 2, 8, and 14 respectively, further comprising a locking mechanism associated with the scanner housing and operative to lock the scanner housing to the housing is disclosed.

Pellaumail et al teaches the following in regards to claims 5, 11, and 16.

"A wireless system for self-service shopping is described that includes a customer identification device with an optically readable code, a portable terminal that includes an optical code reader, a local area radio, a terminal controller, and a locking mechanism, a master station, consisting of a master controller and a master radio, and a receiving rack for the portable terminals to which the scanners may be locked using the locking mechanism." (Abstract).

In view of Pellaumail et al's teaching, it would have been obvious to an artisan of ordinary skill in the art at the time the invention was made to have the scanner be locked to the housing from which it extends from. One would be motivated lock the scanner in order to prevent theft and also to prevent the scanner from falling and breaking.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure: Shepard (5,837,990) and Swartz (6,340,115).

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to *Allyson Sanders* whose telephone number is (703) 305-5779. The examiner can normally be reached between the hours of 7:30AM to 4:00PM Monday thru Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee, can be reached on (703) 305-3503. The fax phone number for this Group is (703) 308-7722, (703) 308-7724, or (703) 308-7382.

Communications via Internet e-mail regarding this application, other than those under 35 U.S.C. 132 or which otherwise require a signature, may be used by the applicant and should be addressed to [allyson.sanders@uspto.gov].

All Internet e-mail communications will be made of record in the application file.
PTO employees do not engage in Internet communications where there exists a possibility that sensitive information could be identified or exchanged unless the record

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includes a properly signed express waiver of the confidentiality requirements of 35 U.S.C. 122. This is more clearly set forth in the Interim Internet Usage Policy published in the Official Gazette of the Patent and Trademark on February 25, 1997 at 1195 OG 89.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-0956.

Allyson Sanders
Patent Examiner
Art Unit 2876
December 20, 2002



KARL D. FRECH
PRIMARY EXAMINER